

OGC Has Reviewed

Numerous decisions of the Comptroller have held that funds transferred from one agency to another for the performance of work or services under authority of section 601 of the Act of June 30, 1932, 47 Stat. 417, are available for the purposes for which the appropriations from which transferred are available, and also subject to the same limitations fixed in the appropriation from which the funds are transferred (16 CG 545; 17 id 73; 18 CG 489). These rulings appear to embrace the general rule that a transfer of funds from one agency to another pursuant to section 601 neither enlarges nor diminishes the authority controlling the availability of the funds; they are available to the performing agency for all purposes and subject to the same limitations as would control expenditures by the requisitioning agency.

The general rule stated above appears to have been departed from in a series of decisions dealing with situations in which the performing agency was not subject to the limitations imposed on the agency making the transfer of funds. 21 CG 749 held that the Bureau of the Census, having authority to compensate its employees without regard to the Classification Act, need not employ and pay persons only in accordance with the Classification Act even though such payments be made from a working fund made available by an agency which was required to expend its appropriation in accordance with such Act.

Unpublished Opinion B-38515 of December 22, 1943 held that funds advanced by the Bureau of Mines to the TVA were available to the performing

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agency for the payment of non civil service employees, even though appropriations of the Bureau of Mines were available only for the payment of Civil Service employees.

These decisions appear to hold that certain limitations on the availability of funds do not carry over from the transferring agency to the performing agency when funds are advanced pursuant to section 601.

A third category of rulings of the Comptroller have been to the effect that authority of the requisitioning agency is available to the performing agency when its authority is more limited.

18 CG 491 held that funds transferred from one department to another under section 601 of the Act of June 30, 1932 are subject to the general statutory prohibition against employment of personal services in the District of Columbia, unless there is express authority for such employment in the appropriations from which the funds are transferred.

Similarly, 21 CG 254 held that where the performing agency was authorized to contract without advertising for bids up to \$25, and the requisitioning agency had a limit of \$100, the more liberal authority available to the requisitioning agency was available to the performing agency.

The latter opinions ~~may~~ merely restate the general rule that the transferred funds remain available for all purposes for which appropriated notwithstanding the fact that the performing agency has a more limited authority.

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